



MITCHELL E. DANIELS, JR., *Governor*

JAMAL L. SMITH, *Executive Director*

ICRC No.: EMha11080542

[REDACTED],  
Complainant,

vs.

SPECIALIZED TRANSPORTATION INC.,  
Respondent.

### **NOTICE OF FINDING**

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice has occurred. 910 IAC 1-3-2(b)

On August 29, 2011, [REDACTED] ("Complainant") filed a complaint with the Commission against Specialized Transportation Inc. ("Respondent") alleging discrimination on the basis of disability in violation of the Indiana Civil Rights Law (IC 22-9, et seq) [REDACTED]. Accordingly, the Commission has jurisdiction over the parties and the subject matter of this complaint.

An investigation has been completed. Both parties have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Deputy Director now finds the following:

The issue presented to the Commission is whether Complainant was denied a reasonable accommodation, which resulted in the loss of her employment. In order to prevail, Complainant must show that (1) she had an impairment that substantially limits a major life activity; (2) Respondent knew or should have known of her need for a reasonable accommodation and (3) Respondent refused to discuss her needs and/or denied the accommodation without showing an undue hardship.

For purposes of this analysis it will be presumed that Complainant had an impairment that substantially limited a major life activity. Further, Respondent was fully aware of this medical condition due to documentation and reports from Complainant's physician. The record indicates that on April 28, 2011, Complainant advised Respondent of her need to take Family Medical Leave ("FML"), which began on May 3, 2011. Evidence indicates that on July 6, 2011, Respondent was advised of Complainant's need to have surgery on July 26, 2011, and was provided medical documentation from Complainant's physician; however, Respondent failed to consider granting Complainant additional time to attend to her medical condition and terminated her employment on July 27, 2011, upon exhaustion of her FML. Extended leave beyond FML is sometimes considered a reasonable accommodation. Based upon the above findings, probable cause exists to believe that an unlawful discriminatory practice may have occurred.



A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged herein. IC 22-9-1-18, 910 IAC 1-3-5 The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within twenty (20) days of receipt of this Notice, or the Commission's Administrative Law Judge will hear this matter. IC 22-9-1-16, 910 IAC 1-3-6

June 19, 2012  
Date

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Joshua Brewster, Esq.  
Deputy Director  
Indiana Civil Rights Commission